

REVISED April 16, 2004

# **ELECTRONIC CASE FILING PROCEDURES FOR THE DISTRICT OF MINNESOTA**

## **CIVIL**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**ELECTRONIC CASE FILING PROCEDURES**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**ELECTRONIC CASE FILING PROCEDURES**

**I. THE ELECTRONIC FILING SYSTEM AND REQUIREMENTS.**

**A. IN GENERAL.** Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned District Judge or Magistrate Judge, all documents<sup>1</sup> submitted for filing in civil cases in this district on or after May 17, 2004, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“ECF”). Documents may also be submitted to the clerk’s office for filing on 3.5 disks or CDs as PDF (“Portable Document Format”) files.<sup>2</sup> However, the following exceptions shall apply.

1. Complaints, notices of removal, civil cover sheets, summonses, and other initiating documents are governed by Section II, Part A, Subparts 2 and 3 of these procedures.
2. Social Security cases are governed by Section IV of these procedures.
3. The documents in a case filed under seal shall be filed and maintained in conventional<sup>3</sup> format and will not be placed on ECF unless the assigned District Judge or Magistrate Judge orders the case unsealed (see Section V, Part B).
4. A party may apply to the assigned Magistrate Judge for permission to file documents conventionally (see Section V). However, even if the assigned District Judge or Magistrate Judge initially grants permission to file documents conventionally, that permission may be withdrawn at any time

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<sup>1</sup> The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, etc. It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court (*see* LR 5.1).

<sup>2</sup> A document created with almost any word-processing program can be converted to PDF. The PDF program, in effect, takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software with the layout, format, links, and images intact. For more information on PDF, visit the websites of PDF vendors such as [www.adobe.com/products/acrobat/](http://www.adobe.com/products/acrobat/) or [www.fineprint.com/](http://www.fineprint.com/).

<sup>3</sup> As used in these procedures, a conventionally filed document is one presented in traditional paper or other non-electronic, tangible format.

and the party may be required to file documents electronically using ECF. A form for leave to file conventionally is available on the court's web site at: [http://www.mnd.uscourts.gov/FORMS/court\\_forms.htm](http://www.mnd.uscourts.gov/FORMS/court_forms.htm) or at the front counter of all clerk's offices. Applications should be filed in paper with the Clerk, then will be scanned and posted to ECF by clerk's office staff, and will be reviewed by the assigned Magistrate Judge.

5. The Clerk or any Judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.

## **B. SYSTEM AVAILABILITY**

The Electronic Case Filing System (ECF) will be available 22 hours a day, seven days a week. ECF will be unavailable from 1:00 a.m. to 3:00 a.m. for maintenance. If maintenance or repairs require an additional temporary period of down-time, advance notice will be provided on the District Court's website. A document will be deemed to be timely filed if filed prior to midnight on its due date unless a specific time is designated by a Judge (e.g., 5:00 p.m. deadline) in their scheduling order.

Please note the District Court's Help Desk is only supported between the hours of 8:00 a.m. and 5:00 p.m. Contact the District Court's Help Desk between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, if you need assistance using ECF.

**Toll Free Help Desk**

**1-866-325-4975 or 612-664-5155**

**OR**

**E-mail:**

**[ecfhelpdesk@mnd.uscourts.gov](mailto:ecfhelpdesk@mnd.uscourts.gov)**

## **C. PASSWORDS.<sup>4</sup>**

1. In General.

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<sup>4</sup> Registration for a password is governed by paragraph I(D) of these procedures.

- a. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
  - b. Once registered, an attorney is responsible for all documents filed using his or her password and is subject to Rule 11 sanctions. (Fed.R.Civ.P.11).
2. Attorneys Admitted to Practice in This Court. Each attorney admitted to practice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.
3. Attorneys Admitted Pro Hac Vice. Attorneys admitted to practice Pro Hac Vice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing. All Local Rules apply including the need for association of an active Minnesota resident member in good standing of the bar of this Court who shall participate in the preparation and trial of the case or presentation of the matter involved and on whom service of all papers may be made.
4. Non-Prisoner Pro Se. Each pro se filer must complete and sign an ECF Registration Form. They may then retrieve documents electronically through PACER, will receive System-generated notices of electronic filing and be able to file electronically. If the court becomes aware of misuse of ECF, it will be deactivated by the court without advance notice.

#### **D. REGISTRATION.**

1. The court will issue ECF passwords only to attorneys who are members of the bar of this court and who are in good standing. To be in good standing, an attorney must comply with the requirements of Local Rule 83.6, including timely payment of the registration fee due every third year during the court's re-registration process.
2. The clerk's office will either mail the password to the attorney by first-class mail or send the password to the attorney's e-mail account.
3. All attorneys have been or will be entered into the database with read-only access to ECF. In order to actively file, they will need to change their access to "active user" by submitting an on-line registration. They will do so upon their first entry into the civil or criminal menus on or after May 17. A one-

time registration will be required, including agreeing to service through ECF, maintaining a current e-mail address, etc. The submission of this registration is necessary only once. By pressing the submit button, the attorney's status will change from read-only to active, allowing them to file in ECF.

4. Once registered, an attorney may withdraw from participating in ECF by providing the clerk's office with notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the clerk's office. Upon receipt, the clerk's office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in ECF will not be construed as an authorization to file cases or documents conventionally.
5. After registering, attorneys should change their passwords. If an attorney believes that the security of an existing password has been compromised and that a threat to ECF exists, the attorney must change his or her password immediately. Directions on how to do so are posted on the court's web site, or call the helpdesk for assistance. If your account has been misused, contact the helpdesk.
6. An attorney whose e-mail address, mailing address, telephone number, or fax number has changed, shall login into the ECF system and change their personal information in the account maintenance link in ECF. It is the responsibility of the attorney to change this information in a timely matter.
7. Registration as a participant in the Electronic Filing System shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Civil and Criminal procedure.

#### **E. COURTESY COPIES.**

When an attorney files motions, responses, or reply briefs on ECF, they must also provide one (1) paper courtesy copy of the motion and all supporting documents (affidavits and exhibits) to the Judge hearing the motion.

The courtesy copies should be mailed or delivered to the District Judge or Magistrate Judge in an envelope addressed to the Judge's calendar clerk contemporaneously with the documents being posted on ECF. This rule will apply to dispositive and non-dispositive motions.

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. FILING.

#### 1. In General.

- a. All motions, pleadings, applications, briefs, memoranda of law, or other documents shall be electronically filed on ECF except as otherwise provided by these procedures, by local rule, or court order.
- b. E-mailing a document to the clerk's office or to the assigned District Judge or Magistrate Judge does not constitute filing the document. **A document shall not be considered filed until ECF generates a Notice of Electronic Filing.**

#### 2. New Cases.

- a. The clerk's office will accept initiating documents (e.g., complaints, notices of removal, etc.) along with civil cover sheets by e-mail, submitted on 3.5" disks/CDs, by United States mail, or delivered in person to the clerk's office.
  - i. If using e-mail, a 3.5" disk, or a CD, the filing party must submit the initiating document and cover sheet in PDF format. If sending document by e-mail please include "new case - case title" (e.g., new case - Jones v. Smith) in the subject line, and an indication of how the fee will be paid (a check will be delivered, filers will be faxing a credit card authorization for the filing<sup>5</sup> or a PDF version of the Application to Proceed Without Prepayment of Fees and Affidavit (IFP) is included with the documents). Upon receipt of both the payment and documents together, the clerk's office will assign the case.
  - ii. The case will not be filed until the initiating documents, civil cover sheet, and filing fee or IFP have all been received together by the District Court.

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<sup>5</sup> The credit card authorization form is available on the court's web site at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov) under forms. Additional information on credit card payment is also available under the General Information heading.



- iii. Initiating documents received by the clerk's office in paper format will be scanned and posted to ECF by court staff.
- b. The e-mail address for submitting initiating documents by e-mail is:

[newcases@mnd.uscourts.gov](mailto:newcases@mnd.uscourts.gov)

In the subject line of the newcases e-mail, please indicate this is a new case opening by typing "new case" and the short case title (new case - Jones v. Smith) in the subject line. Only initiating documents, civil cover sheets, and summons forms may be sent to this e-mail address. If other documents are received in this e-mail box, the clerk's office will contact the sender and inform them the documents must be filed in ECF.

- c. The new cases are filed the day the clerk's office receives the initiating documents AND the required filing fee or IFP form together. New cases are filed between 8:00 a.m. and 5:00 p.m. on regular business days. If the clerk's office has initiating documents in their possession, but has not received the required filing fee, staff cannot assign and open the case.
- d. If paying by check, the short case title should be included typed or written directly on the memo line of the check.
- e. A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.
- f. Copies of state court records and proceedings removed pursuant to 28 USC 1446(a) must be filed electronically in accordance with Local Rules and these procedures.

3. Summonses.

- a. Send summonses to be issued to the clerk's office via the new cases e-mail address (see Section II, Part A, Subpart 2(b)), United States mail, or delivered in person to the clerk's office.
- b. The clerk's office will sign and seal the summons. Summonses will be returned to the filer in paper by mail or in person.
- c. A party may not electronically serve a summons, but instead must effect service according to the Federal Rules of Civil Procedure 4.

- d. Summons forms can be found on the Court's website.
4. Pleadings that Add or Delete Parties or Attorneys.
- a. ECF is only capable of recognizing an entry of appearance on behalf of the attorney who files the entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorney(s), then the attorney who files the entry of appearance shall call the clerk's office before filing the entry of appearance in order to have the other attorneys added to the case in ECF. If an attorney does not call ahead, the additional attorneys will be added to the case after the filing is reviewed as part of clerk's office quality control procedures.
  - b. If substituting an attorney, the attorney entering his/her appearance shall:
    - i. obtain the withdrawing attorney's signature on a Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see LR 83.7, then,
    - ii. affix the s/signatures (see Section II, Part C, Subpart 2) for both attorneys to the electronic document,
    - iii. convert the document to PDF and file it in ECF.
  - c. Use ECF to file a substitution of attorney. A document will need to be attached to the posting including "s/" signatures for both attorneys, whenever possible.
5. Unless otherwise specified by the Judge, a document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned District Judge or Magistrate Judge will order that document filed by a time certain.
6. If filing a document requires leave of the court (*e.g.*, an amended complaint, surreply brief, etc.), the attorney shall post the proposed document as an additional attachment to the motion pursuant to LR 15.1. If the court grants the motion, the court order will direct the attorney to file the amended document with the court electronically.

7. The official court record shall be the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.
8. The Court encourages attorneys to retain the originals of documents filed electronically with intrinsic value (e.g., documents scanned and posted to ECF).
9. Transcribers and Court Reporters. Transcripts shall be filed with the clerk's office in accordance with 28 U.S.C. 753(b) in conventional format unless otherwise ordered by the Court.

## **B. SERVICE OF PROCESS.**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate a "Notice of Electronic Filing." If the recipient is a registered participant in ECF, the ECF-generated notice of electronic filing shall constitute service of the document.
2. A certificate of service on all parties entitled to service or notice must be filed when a party files a document electronically. This must be done even if all counsel of record are ECF participants. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Certificates of service can be filed as a separate filing in ECF or as an attachment to another filing. Sample language for a certificate of service is attached to these procedures as Form A.
3. Filers are required to serve copies of any electronically filed pleading, document, or order to parties not registered for ECF according to the Federal Rules of Civil Procedure.<sup>6</sup> When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.

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<sup>6</sup> Attorneys can check ECF to see if a party is registered to receive e-mail noticing before posting a filing in ECF. This can be accomplished by clicking on the Utilities menu choice. Located under the Miscellaneous heading, click on the mailings link. Click on the Mailing Info for a Case link, enter the case number, and click on the submit button. If more than one case matches the case number a case verification window may appear. The Electronic Mail List and Manual Mail List appears.

4. The three-day rule in Federal Rule of Civil Procedures 6(e) for service by mail shall also apply to service by electronic means.<sup>7</sup>
5. A filer who brings a document to the clerk's office to scan and upload to ECF must serve conventional copies on all parties to the case and should expect some delay in the uploading and electronic noticing of the document.

## C. SIGNATURES.

1. Non-Attorney/Third Party Signatures, Generally. If the original document requires the signature of a non-attorney, the filer must obtain the original ink signature of the signatory before filing. The filer shall then sign the electronic version of the document using the "s/signature" of the signatory (see Section II, Part C, Subpart 2). Sample language for third party signatures is attached to these procedures as Form B. **By filing the document, the attorney certifies that all necessary signatures, including affiant and notary, if applicable, have been obtained and the ink signed original is on file in their office<sup>8</sup>. Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.**
  - a. This rule includes all notarized documents.
  - b. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record.
  - c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.
  - d. Upon request, the original document must be made available for review.

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<sup>7</sup> Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

<sup>8</sup> This rule applies when the third party document exists on the computer of the attorney, or their client. If so, after obtaining the ink signatures on a paper copy, the filer should affix the "s/" signature(s) to the word processing version, convert to PDF and post to ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

2. s/ Signature.

- a. A pleading or other document requiring a signature shall be signed in the following manner, whether filed electronically or submitted on disk to the clerk's office: "s/ (signatory's name)." The correct format for a signature is as follows:

s/ Pat Attorney\_\_\_\_\_

Pat Attorney

Bar Number 12345

Attorney for (Plaintiff/Defendant) XYZ Company

ABC Law Firm

123 South Street

Minneapolis, MN 55415

Telephone: (612) 555-5555

Fax: (612) 555-5554

- b. Any party challenging the authenticity of an electronically filed document or the signature on that document must file an objection to the document within eleven days of service of the document.

3. Multiple Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion, joint exhibit list, and 26(f) report) requires two or more signatures:

- a. The filer shall initially confirm that the content of the document is acceptable to all signatories by obtaining their original signatures on the document.
- b. The filer then shall file the document electronically or submit it to the clerk's office on disk, initiating the signatories with an "s/signature" (*e.g.*, "s/ Jane Doe," "s/ John Smith," etc.) for each signatory. **By filing the document, the attorney certifies that all necessary signatures, including affiant and notary, if applicable, have been obtained and the ink signed original is on file in their office. Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.**
- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the

authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The clerk's office will document the receipt of fees on the docket sheet. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

**E. MOTION PRACTICE.** Refer to LR 7.1(b) effective May 17, 2004, for the briefing schedule for filing motions, responses, and replies on ECF. Procedurally, attorneys should post their motions in the following order as separate docket entries:

- (A) Motion (must be filed first)
  - (B) Notice of Motion (do not combine your motion and notice of motion in one document)
  - (C) Memorandum of Law
  - (D) Affidavits and Exhibits\*
- (E) Proposed Orders - see Section II, Part F, Subpart 2 below.

\*Filings of affidavits and exhibits can be combined into one docket entry or filed as separate entries. See the User's Guide for step by step instructions on filing motions and related documents.

Refer to Section V, Part B for guidance on filing one document (e.g., affidavit or exhibit) under seal that is part of a motion that is otherwise unsealed.

**F. CONSENT TO DISPOSITION OF CASE BY MAGISTRATE JUDGE.**

- a. **Joint Consent Form.** The parties may execute a joint consent form which shall be filed electronically in ECF by Counsel for one of the parties on behalf of all signatories pursuant to Section II, Part C, Subpart 3 of this guide.
- b. **Separate Forms.** If the parties are directed by the District Judge or Magistrate Judge to execute separate forms, Counsel shall return the executed consent form for his/her client to the calendar clerk for the District Judge, pursuant to Section II, Part E, Subpart 2 of this guide. When sending the document by e-mail, please scan the signed document to a PDF and include "Magistrate Judge Consent Form - *short case title*" in the subject line. In the body of the document, counsel should indicate whether or not their client consents to have the matter tried before the

Magistrate Judge. This separately executed form need not be served on opposing counsel.

**G. ORDERS.**

1. The Court shall electronically file all signed orders.
2. Proposed orders shall be submitted as outlined below.
  - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be sent by e-mail to chambers and other parties. The proposed order must refer to the document number that ECF assigns to the motion when the motion is electronically filed.
  - b. So that the court may have the flexibility to edit proposed orders, all proposed orders must be submitted in a word processing format. Judges will not accept proposed orders in PDF format. Listed below is the word processing program each Judge requires the proposed order to be saved in. If you do not currently have the same word processing software you can select the “Save As” option in most word processing software.
  - c. A proposed order shall be sent via Internet e-mail as an attachment to the e-mail address of the chambers of the Judge hearing the motion. When sending the document by e-mail, please include “Proposed Order - short case title” (e.g., Proposed Order - Jones v. Smith) in the subject line. The chambers’ e-mail addresses are as follows:

Chief Judge Rosenbaum	rosenbaum_chambers@mnd.uscourts.gov	WordPerfect
Judge Kyle	kyle_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Davis	davis_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Tunheim	tunheim_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Montgomery	montgomery_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Frank	frank_chambers@mnd.uscourts.gov	WordPerfect
Judge Ericksen	joanericksen_chambers@mnd.uscourts.gov	WordPerfect
Sr. Judge Alsop	alsop_chambers@mnd.uscourts.gov	WordPerfect

Sr. Judge Magnuson	magnuson_chambers@mnd.uscourts.gov	WordPerfect
Sr. Judge Doty	doty_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Lebedoff	lebedoff_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Noel	noel_chambers@mnd.uscourts.gov	WordPerfect
Magistrate Judge Erickson	raymonderickson_chambers@mnd.uscourts.gov	WordPerfect
Magistrate Judge Boylan	boylan_chambers@mnd.uscourts.gov	WordPerfect
Magistrate Judge Nelson	nelson_chambers@mnd.uscourts.gov	WordPerfect
Magistrate Judge Mayeron	mayeron_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Cudd	cudd_chambers@mnd.uscourts.gov	WordPerfect
Magistrate Judge Klein	klein_chambers@mnd.uscourts.gov	Word

- d. Proposed orders should be sent to either the District Judge or the Magistrate Judge who will hear the motion—i.e., **not to both Judges.**
  - e. Proposed orders will need to be conventionally served upon opposing counsel, since it is not being posted in ECF.
3. Stipulations shall be filed in ECF by one attorney. The filing attorney must follow instructions for filing documents requiring multiple signatures in Section II, Part C, Subpart 3. The Stipulation shall not include a signature line for the Judge. The Judge will rule on the stipulation with an order.
  4. When the clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of ECF, the clerk's office will include a copy of the Notice of Electronic Filing to provide the non-participant with proof of the filing.
  5. The assigned District Judge or Magistrate Judge or the clerk's office, if appropriate, may grant routine orders by a text-only docket entry, for which ECF will generate a Notice of Electronic Filing and e-mail notification to parties on ECF. In such cases, no PDF document will be attached; the text-only entry shall constitute the court's only order on the matter. Copies of the text-only docket entry will be sent in hard copy to those not using ECF.



6. Certificates of Service or Affidavits of Service should still be posted in ECF for the proposed order.

**H. TRIAL DOCUMENTS.** Trial documents such as proposed jury instructions, exhibit lists, and voir dire questions should be electronically filed on ECF. The presiding Judge may also require that a Word or WordPerfect version of these documents be sent to the chambers e-mail address, listed in Section II, Part E, Subpart c, after the ECF posting. The additional request for a word processing version will be written in the pretrial order of the Judge or communicated informally to you.

**I. TITLE OF DOCKET ENTRIES.** The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. If the user is in doubt, they should contact the help desk (see Section I, Part B) for further assistance.

**J. CORRECTING DOCKET ENTRIES.**

4. After a document is filed electronically, corrections to the docket can only be made by the clerk's office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
5. Documents filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain a part of the record as filed. Upon discovery of error, the filer shall:
  - a. Call the clerk's office helpdesk phone number listed in Section I, Part B identifying what the error is. Clerk's office staff will edit the docket text of the incorrect entry indicating "DOCUMENT FILED IN ERROR" in all caps at the beginning of the docket entry.
  - b. Filers should immediately post the correct document in the case on ECF, and modify the title of the pleading as appropriate (e.g.; "Amended", "Substituted", "Corrected").
6. If an attorney files a document in the wrong case, they should immediately call the help desk to notify the clerk's office of the error.
  - a. The document will be detached by clerk's office personnel and replaced with a form document entitled "DOCUMENT REMOVED - FILED IN WRONG CASE" and the docket entry will be edited to state the same.

- b. E-mail notification recipients will not receive an e-mail notification of the edit, but when attempting to access the document after it has been removed they will get the “DOCUMENT REMOVED” form when they click on the hyperlink in their e-mail notification.

**K. TECHNICAL FAILURES.** The clerk’s office shall deem the District of Minnesota ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site.

A filer who cannot file a document electronically because of a technical problem (e.g., Internet service is down, law firm server malfunction, etc.) must file the document in ECF as soon as possible once the problem is resolved. Attached to the filing should be the Technical Errors form provided on the Court’s website. The form is required to explain what the technical difficulties were and why the filing is untimely.

### **III. PRIVACY POLICY**

#### **A. Information to be redacted.**

In accordance with the E-Government Act of 2002 (Pub. L. 107-347) and the policy of the Judicial Conference of the United States, unless otherwise ordered by the court, parties shall not include or shall redact the following information from all documents filed in ECF:

1. Social Security Numbers:  
Use only the last four digits.
2. Names of minors:  
Use the minor’s initials.
3. Dates of birth:  
Use only the year.
4. Financial account numbers:  
Identify the name or type of accounts and the financial institution, but use only the last four digits of the account number.

**B. Enforcement.**

It is the responsibility of counsel and the parties to redact these personal identifiers. The Clerk will not screen documents and will not reject them solely on the basis that they contain personal identifiers.

**C. Other confidential information.**

Parties may modify or partially redact other confidential information as permitted by the Court (e.g., driver's license numbers, medical records, employment history, individual financial information, and proprietary or trade secret information).

**D. Filing unredacted documents under seal.**

According to the E-Government Act of 2002, (Pub. L. 107-347), a party may file a document containing the unredacted confidential information under seal (see Section V, Part B), in addition to electronically filing a redacted version of the document. The redacted copy of the document must be posted on ECF.

**IV. SOCIAL SECURITY CASES.** Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the District Court shall be filed and noticed electronically in ECF, except as noted below.

1. The complaint and other documents typically submitted at the time a social security case initiated with the District Court shall be filed and served according to Section II, Part A, Subpart 2 of these procedures.
2. The administrative record will be filed and served conventionally because scanning that set of documents and filing or retrieving them electronically is impractical at this time. The clerk's office will post a text-only event in ECF stating that the records are available in paper format at the clerk's office.
3. All other documents in the case, including briefs, will be filed and served electronically in ECF, unless the court orders otherwise.
4. Pursuant to the policy of the Judicial Conference of the United States, internet access to documents filed in social security cases is limited to attorneys of record. The public will have internet access to docket sheets only. The public may view documents in Social Security cases on the public terminals in the Clerk's Office during normal business hours.

5. Social security cases must comply with all redaction procedures pursuant to the E-Government Act of 2002 (see Section III, Part A).

**V. CONVENTIONAL FILING OF DOCUMENTS.** The following procedures govern documents filed conventionally (i.e., in paper).

**A. IN GENERAL.**

1. A party may seek leave of the court to file a document conventionally if leave is not already so provided by these procedures.
2. Conventionally filed materials must be served conventionally by the filer on all other parties. The e-notice of the court's receipt of these documents shall not constitute service.

**B. DOCUMENTS TO BE FILED UNDER SEAL.** Notwithstanding agreement of the parties, no documents shall be filed under seal unless the assigned District Judge or Magistrate Judge has first ordered such. All related documents that are not filed under seal are to be posted electronically on ECF. To indicate, on the ECF system, the existence of the conventionally filed document, attorney must post a form, or placeholder, on ECF, under the appropriate event code. For example, for a sealed exhibit, an attorney would select the event code 'exhibit' in ECF, file the one page form as their exhibit, then file their actual sealed exhibit in paper with the clerk's office. The placeholder is intended to indicate, on the record, the existence of the sealed document in the clerk's office. Upon receipt of the sealed documents, the clerk's office will note it on the record.

To file documents in paper under seal pursuant to a protective order:

1. Documents filed under seal shall be filed in paper with the clerk's office;
2. Each\* ORIGINAL document must be filed separately, sealed\*\* in a separate envelope no larger than 9 x 12, with the following information on the front of the envelope for each document:

T	Case Number
T	Case Name
T	Party name, and complete title of document (i.e., Deft. Johnson's Motion for Dismissal)
T	The word <b>"SEALED"</b> or <b>"CONFIDENTIAL"</b>

\*Motions, affidavits, and memoranda are each considered a separate document and **each** should be sealed in a separate envelope.

\*\*Sealed = closed, fastened, taped, or otherwise secured

3. One paper copy of each document, together in one separate envelope addressed to the District Judge or Magistrate Judge who is hearing the motion, must accompany the original sealed documents (above) when filed.

**C. TRANSCRIPTS.** Transcripts of this court's proceedings shall be filed with the clerk's office pursuant to 28 U.S.C. § 753(b) in conventional format in the clerk's office unless specifically ordered otherwise by the Court.

**VI. VOLUMINOUS DOCUMENTS.** The size limit for documents (including exhibits) filed in ECF is two megabytes (2,097,152 bytes)<sup>9</sup> per PDF document. To check the file size, locate the file in Windows Explorer, right click on the file and choose Properties.

1. Any document which exceeds two megabytes shall be broken down into separate components of two megabytes or less, and each component must be filed in ECF as a separate attachment with the component containing the first page attached as the "main document". The filer must label each component document clearly when attaching it in ECF (e.g., "Affidavit of John Doe pgs 100 - 200).
2. Filers are required to verify that scanned documents are legible before the documents are filed electronically with the court.
3. A party may seek leave of the Court to conventionally file documents that are too lengthy to electronically image, *i.e.*, "scan." If leave is granted, the filer shall file in accordance with the procedures in Section V.

## **VII. EXHIBITS.**

### **A. IN GENERAL.**

1. Exhibit documents must not exceed two megabytes (2,097 KB) per PDF document (see Section VI).
2. Documents scanned in color or containing graphics take much longer to upload, so filers must configure their scanners to scan documents at 200 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to ECF.

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<sup>9</sup>Two megabytes may be equivalent to approximately 60 pages of plain, typed text or 30-40 pages of scanned information.

3. Filers are required to verify that scanned documents are legible before the documents are filed electronically with the court.
4. The filer must prepare and post to ECF an Exhibit Index. The index shall either be filed as the “main document” if filing under the “Exhibit” event code, or as the first attachment to the main document if filed as an attachment to the pleading. The following is a sample Exhibit Index:

Exhibit Index

A	Copy of Affidavit of John Smith
B	Excerpts from Jane Doe’s Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

5. Each exhibit may be attached as a separate attachment to the main document.

**B. CONVENTIONAL FILING OF EXHIBITS.** A party may conventionally file exhibits that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) without seeking leave to do so. A party may seek leave of the court to file exhibits conventionally (see Section VI, Part 3). Parties should allow for enough time (5 days) for the Judge to review the request to file conventionally, so that the filing may be done in a timely manner before the filing deadline. If approved, exhibits filed conventionally must be filed according to the following procedure.

1. The exhibit index (see Section VII, Part A, Subpart 4) must state that the exhibits are being filed conventionally. The index must be filed in ECF as an attachment to the main document (e.g., the affidavit), or under the appropriate Exhibit event code.
2. The conventionally filed exhibits shall have a cover page containing the standard document headings and the caption shall identify the document to which the exhibits relate (e.g., “Exhibits in Support of Defendant XYZ Company’s Memorandum in Support of Motion for Summary Judgment”).
3. The conventionally filed exhibits must be tabbed, two-hole punched and fastened with tongs.
4. After filing the index in ECF, the filer shall file, with the clerk’s office, the conventional exhibits along with a copy of the Notice of Electronic Filing of the document containing the exhibit index.

5. The clerk's office will note on the docket its receipt of the exhibits with a text-only entry.
6. The filer must serve the conventional exhibits on all other parties. The e-notice of the court's receipt of these documents shall not constitute service.

## **VIII. PUBLIC ACCESS TO THE SYSTEM DOCKET**

- A. PUBLIC ACCESS AT THE COURT.** Electronic access to ECF is available to the public at no charge at the clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.
- B. INTERNET ACCESS.** Remote electronic access to ECF is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.<sup>10</sup>
- C. CONVENTIONAL COPIES AND CERTIFIED COPIES.** Conventional copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

## **VIII. BILL OF COSTS**

Bills of Cost will be posted on ECF by the filer using the AO 133 form which is available on the Court's website. Supporting documentation, in the form of affidavits and exhibits, will be posted on ECF in accordance with the procedures for filing exhibits. See Section VII. The court will prepare and post to ECF a notice for objections. Counsel will post their objections and responses to ECF.

## **IX. BANKRUPTCY APPEALS**

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<sup>10</sup> According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

Please see Section II, Part A for instructions on initiating a case. Please see Section VI for instructions on filing voluminous documents and Section VII for instructions on filing exhibits.



**FORM A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**SAMPLE FORMATS -CERTIFICATE OF SERVICE**

**Sample**

I hereby certify that on (date) , I electronically filed the foregoing with the clerk of the court by using the ECF which will send a notice of electronic filing to the following: \_\_\_\_\_. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-ECF participants:\_\_\_\_\_.

**s/ Attorney's Name**  
Attorney's Name  
Attorney's Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Phone Number  
Fax Number  
Attorney's E-mail Address

## FORM B

### **SAMPLE s/signature Language for a Third Party Document**

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21<sup>st</sup> day of July, 2003 at Minneapolis, Minnesota.

**s/ Attorney's Name**  
Attorney's Name  
Attorney's Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Phone Number  
Fax Number  
Attorney's E-mail Address

### **Attestation of Filer Concerning Signature**

In accordance with the Administrative Procedures for ECF for the District of Minnesota, the filer of this document certifies that all necessary signatures have been obtained, and that the original document will be retained in conformity with Eighth Circuit retention rules."

Law Firm Name

Dated: July 21, 2003

By s/Attorney's Name  
Attorney Name, Bar No. xxxx